

MINUTES

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

1/25/2007 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR 00-00471SOM
CASE NAME: USA vs. Shane S. Rodrigues
ATTYS FOR PLA: Lawrence Tong
Frank Condello (USPO)
ATTYS FOR DEFT: Alexander Silvert
INTERPRETER:

JUDGE: Susan Oki Mollway

REPORTER: Debra Chun

DATE: 1/25/2007

TIME: 9:45 - 10:30

COURT ACTION: EP: Continued Order to Show Cause Why Supervised Release
Should Not Be Revoked -

Defendant Shane S. Rodrigues present.

Mr. Silvert updated the Court re: the defendant's progress.

Discussion held.

Allocution by the defendant.

Supervised Release is revoked.

ADJUDGED:

Imprisonment: 1 Day as to each of Counts 1 and 2, all terms to run concurrently.

Supervised Release: 35 Months as to each of Counts 1 and 2, all terms to run
concurrently.

CONDITIONS:

- ▶ That the defendant shall abide by the standard conditions of supervision.
- ▶ That the defendant not commit any crimes, federal, state, or local (mandatory condition).
- ▶ That the defendant not possess illegal controlled substances (mandatory condition)
- ▶ That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter but no more than 8 valid drug tests per month during the term of supervision, unless there is a positive drug test, in which event the maximum shall increase to up to one valid drug test per day.
- ▶ That the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- ▶ That the defendant shall participate in and comply with substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.
- ▶ That restitution of \$5,476.20 is due immediately to Bank of Hawaii and First Hawaiian Bank, and any remaining balance upon release from confinement be paid during the period of supervision on an installment basis according to the collection policy of the Probation Office but at a rate of not less than 10 percent of his monthly gross income. Interest is waived while the defendant is serving his term of imprisonment and shall commence to accrue on any remaining balance upon his release on supervision.
- ▶ That the defendant execute all financial disclosure forms, and provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office.
- ▶ That the defendant is prohibited from incurring credit charges and lines of credit without the approval of the Probation Office.
- ▶ That the defendant participate in a mental health program at the discretion and direction of the Probation Office.
- ▶ That the defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.

- > That the defendant serve 88 days of intermittent confinement at the Federal Detention Center (FDC) commencing on 2/10/2007 and to be completed on 12/9/2007. The defendant shall comply with the rules and regulations set forth by the FDC. The defendant shall surrender to the FDC no later than 6:00 p.m. on each Saturday and shall be released from FDC no later than 12:00 p.m. on each Sunday.

Mittimus is stayed until 2/3/07.

Defendant to self surrender @ 6:00 p.m. 2/3/07 at the FDC Honolulu.

Defendant advised of his right to appeal.

Submitted by: Toni Fujinaga, Courtroom Manager.